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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 In re } No. C-07-03715 MMC
11 RICHARD L. HATFIELD, } Appeal from USBC (N.D. Cal.)
12 } No. 07-30031 TEC 7
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14 }
15 Alleged Debtor. }
16 _____ }
17 JENNIFER M. MOORE, }
18 Appellant, }
19 vs. }
20 RICHARD L. HATFIELD, }
21 FIRST TRUST CORPORATION }
22 FBO RICHARD L. SPEES }
23 FIRST TRUST CORPORATION }
24 FBO J.D. ERICKSON, and }
25 GEORGE RNJAK, }
26 Appellees. }

27 Appellant Jennifer M. Moore hereby moves pursuant to L.R. 3-12 and L.R. 7-11
28 for consideration of whether case numbers C-07-03715 MMC, *In re Richard Hatfield*, and
29 C-07-05373 CW, *In re Richard Hatfield*, should be considered related and assigned to the
30 judge to which the lowest numbered case is assigned.

1 Each of the aforementioned cases is an appeal from an order of the United States
2 Bankruptcy Court for the Northern District of California related to the dismissal of the
3 involuntary bankruptcy case of *In re Richard L. Hatfield*, United States Bankruptcy
4 Court for the Northern District of California case number 07-30031 TEC.

5 The earliest filed case, number C-07-03715 MMC, is an appeal from the dismissal
6 of the involuntary bankruptcy of *Richard L. Hatfield*, which was dismissed pursuant to
7 Bankruptcy Code, sec. 305 on the ground that dismissal was in the best interests of the
8 creditors and the debtor. The later case, number C-07-05373 CW, is an appeal from an
9 award of attorneys' fees to Hatfield against certain petitioning creditors in *Hatfield's*
10 involuntary bankruptcy case – the dismissal of which is the subject of the lowest number
11 case.

12 From the foregoing, it is apparent the issues and parties are not only related; they
13 are intertwined. The dismissal of *Hatfield's* involuntary bankruptcy is the subject of the
14 first appeal, and the attorneys' fees award for the obtaining the dismissal of the
15 involuntary bankruptcy is the subject of the second.

16 Additionally, appellants wish to inform the Court that on 31 January 2008,
17 *Hatfield* filed a *voluntary* bankruptcy petition – United States Bankruptcy Court for the
18 Northern District of California case number 08-30154 TEC. As consequence of *Hatfield's*
19 bankruptcy, the appellant in the lowest number case (C-07-3715 MMC), Jennifer Moore,
20 will move in the bankruptcy court to obtain the that court's consent to consider a Rule
21 60(b) motion to vacate the dismissal of *Hatfield's* involuntary bankruptcy case in order
22 that the preference and avoidance dates applicable to transactions by Hatfield will be the
23 earlier dates based on the filing date of the involuntary petition against him. The
24 appellants in the later case (C-07-5373 CW) will also move in the bankruptcy court to
25 obtain its consent to reconsider the award of attorneys' fees against the involuntary case
26 petitioners in the light of *Hatfield's* voluntary filing.

27 The aforementioned motions will be based on the procedure described in *Gould*
28 *vs. Mutual Life Ins. Co. of New York*, 790 F.2d 769, 772 (9th Cir. 1986), and reiterated

1 in *Davis vs. Yageo*, 481 F.3d 661, 685 (9th Cir. 2007). Should the bankruptcy court
2 consent in either circumstance, remand will be sought in this Court, pursuant to that
3 procedure, in order to permit the consideration by the bankruptcy court of the rule 60(b)
4 motions.

5 Respectfully submitted,

6 JAMES H. SEYMOUR

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8 Dated: 23 February 2008

/s/ James H. Seymour
9 James H. Seymour
Counsel for Appellant Jennifer M. Moore

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